

## INSTRUCTIONS ABOUT SERVICE FOR SMALL CLAIMS ACTIONS

1. Attached you will find a Statement of Claim and two (2) copies of the Notice of Service of Statement of Claim and Acknowledgment forms. You will need to fill out the forms completely. Mail a copy of the Statement of Claim (with any attachments) and both of the Notice of Service of Statement of Claim to the defendant. You must also include in the materials that go to the defendant an envelope that is stamped and addressed to you, the plaintiff. This is for the defendant to mail back one of the acknowledgment forms to you. When you receive the signed form from the defendant you should file it along with the **original** of the Statement of Claim with the clerk along with a check made out to Maine District Court in the amount of \$50.00. **You must file these papers within 20 days of the date that the acknowledgement was signed by the defendant.**

If you do not receive the acknowledgment form within 20 days of the day you mailed the Statement of Claim to the defendant, it means that service has failed and you must try another type of service.

2. You may send the copy of the Statement of Claim (with any attachments) to the defendant first class, postage prepaid, registered or certified, **restricted delivery**, return receipt requested. You will have to get the necessary forms for this type of mail at the post office. You should advise the Post Office that when it delivers the Statement of Claim it should have the defendant sign the green card and mail it back to you. You then must file the original of the Statement of Claim, the filing fee and green card with the signature of the defendant on it with the clerk **within 20 days of the date on which the post office delivered the Statement of Claim.**

Failure to complete service by **either** of these two means would allow you to continue on to sheriff's service. If you do not attempt service by #1 or #2 prior to sheriff's service, the judge may consider reducing the costs recoverable by the plaintiff, if the service costs are high.

3. If either one of the two methods above does not work, you then must arrange with the sheriff's office to have service made by a deputy. For deputy service you should give the sheriff's office the original and the copy of the Statement of Claim. The deputy will give the defendant the copy and make a return of service on the original and return that to you. You must file the original with the return of service **with the clerk within 20 days of the service and pay the filing fee.**

## INSTRUCTIONS ABOUT SERVICE FOR DISCLOSURES

These same instructions apply to disclosure hearings with one exception. Before you serve the Notice of Disclosure Hearing on the debtor, you must ask the clerk of the court for a date a time for the hearing and enter that date and time on the Notice. You then serve the Notice of Disclosure Hearing on the debtor as stated above. Service must be made at least seven days before the disclosure hearing. **Once service has been completed, you must file it with the court with the filing fee.**

STATE OF MAINE

DISTRICT COURT

Location \_\_\_\_\_

Docket No. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Plaintiff

v.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Defendant

STATEMENT OF CLAIM  
(Small Claims)

*Briefly describe your claim, including relevant dates:*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The plaintiff requests a judgment against the defendant in the amount of \$ \_\_\_\_\_  
plus costs. *If you are asking for an order to repair or return property, or to refund money, or to reform or  
rescind an agreement, state your request:*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature

The address of the court is:

Attorney for Plaintiff: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_  
Telephone: \_\_\_\_\_

Plaintiff Telephone: \_\_\_\_\_

Defendant Telephone: \_\_\_\_\_

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**IMPORTANT NOTICE TO PARTIES**

To the plaintiff and the defendant:

You will be notified of the hearing date and time of this case by the clerk of the court. The notice of hearing will be sent to you by regular mail at the address given above unless you notify the clerk of a different address. If the above address is incorrect or if your address changes, you must promptly notify the clerk in writing. Your failure to notify the clerk of an address change will mean that you may not receive notice of the hearing.

**IF THE PLAINTIFF FAILS TO APPEAR AT THE HEARING, THE CASE WILL BE DISMISSED. IF THE DEFENDANT FAILS TO APPEAR, A DEFAULT JUDGMENT MAY BE ENTERED AGAINST THE DEFENDANT FOR THE RELIEF SOUGHT BY THE PLAINTIFF.**

**STATE OF MAINE**

\_\_\_\_\_ County

I have this day made service of the Statement of Claim upon the defendant \_\_\_\_\_

☐ by delivering a copy of the Statement to the defendant in hand at \_\_\_\_\_

☐ by leaving a copy of the Statement with \_\_\_\_\_, a person of suitable age and discretion at the defendant's dwelling house or usual place of abode located at \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Deputy Sheriff

Service:

Travel	\$ _____
Postage	\$ _____
Total	\$ _____

STATE OF MAINE

DISTRICT COURT

Location \_\_\_\_\_

Docket No. \_\_\_\_\_

\_\_\_\_\_  
Judgment Creditor  
Plaintiff

v.

\_\_\_\_\_  
Judgment Debtor  
Defendant

**NOTICE OF SERVICE OF**

☐ **STATEMENT OF CLAIM**

☐ **DISCLOSURE HEARING**

To: \_\_\_\_\_

☐ You have been served with a Statement of Claim which means that you are being sued in Small Claims Court.

☐ You have been served with a Notice of Disclosure Hearing which means that you must go to court for a disclosure hearing on the date and time stated in the notice.

Please sign the acknowledgment below and return this form in the enclosed stamped envelope so that it will be received by the sender within 20 days. (You may keep one copy of this form for your records.)

If you do not sign and mail this form, it will be necessary to serve you by another method. The other method is more expensive and could cost \$25.00 or more. This cost will be charged to you unless you win the small claims case. If you sign and mail this form, you will not be charged for service costs. It is to your advantage to sign below and mail one copy of this form in the enclosed envelope.

\*\*\*\*\*

**ACKNOWLEDGMENT OF RECEIPT OF NOTICE OF SERVICE**

I acknowledge that I received a copy of the Statement of Claim or Notice of Disclosure Hearing in the above-captioned matter.

To avoid judgment by default in a Small Claims case, defendant must appear at the hearing. Defendant must also notify the clerk of court of any change of address so that defendant may receive notice of the hearing.

Failure to attend the hearing may result in Default Judgment against the defendant or, in the case of a Disclosure, a civil Order for Arrest of defendant.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed name of person accepting service

If the person signing this form is accepting service in a representative capacity, please state title and authority: \_\_\_\_\_

STATE OF MAINE

DISTRICT COURT

Location \_\_\_\_\_

Docket No. \_\_\_\_\_

\_\_\_\_\_  
Judgment Creditor  
Plaintiff

v.

\_\_\_\_\_  
Judgment Debtor  
Defendant

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